

REMARKS**I. Status of Application**

Claims 1-19 are the claims pending in the application. Claims 1-19 have been rejected.

II. Claim Rejections Under 35 U.S.C. 112

Claims 9-16 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In view of the amendment to claim 9, Applicants respectfully request that the rejection be withdrawn.

III. Claim Rejections Under 35 U.S.C. 103

Claims 1, 2, 4, 5, 7-10, 12, 13, and 15-19 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Yamamoto et al. (US Pub No. 2002/0178449), hereinafter “Yamamoto,” in view of Soundararajan (US Pub No 2003/0084448) and further in view of Yuen et al. (US Patent No 5,488,409), hereinafter “Yuen.” Applicants respectfully traverse the rejection and request reconsideration.

Regarding the rejection of independent claim 1, Applicants respectfully submit that claim 1 is patentable because each and every element is not disclosed or suggested by Yamamoto, Soundararajan, and Yuen.

Claim 1 recites (**emphasis added**):

An apparatus for dynamically managing a user's favorite channels, the apparatus comprising:

a user input unit for receiving a channel change input from the user;

a channel list storage unit for storing an entire channel list comprising channels receivable using a tuner and channel preference information regarding the user's preference degrees for channels;

a control unit for calculating a preference degree for a channel selected in response to the channel change input received by the user input unit and analyzing a pattern of channel change inputs; and

an output unit for providing content of the selected channel according to calculation and analysis results of the control unit,

wherein the control unit provides the content of the selected channel through the output unit in response to the channel change input if the calculated preference degree for the selected channel satisfies a predetermined reference, and **the control unit provides the content of the selected channel through the output unit in direct response to a predetermined pattern of channel change inputs received by the user input unit if the calculated degree for the selected channel does not satisfy the predetermined reference,**

wherein the predetermined pattern of channel change inputs makes possible movement to a channel that does not satisfy the channel preference degree, and

wherein the predetermined pattern of channel change inputs comprises the channel change input received by the user input unit for the selected channel.

For example, Applicants respectfully submit that Yamamoto in view of Soundararajan and Yuen does not disclose or suggest the control unit provides the content of the selected channel **in direct response to a predetermined pattern of channel change inputs received by the user input unit** if the calculated degree for the selected channel does not satisfy the predetermined reference, in combination with other elements of the claim.

On page 5 of the Office Action, the Examiner appears to take the position that switching from a first channel control list to a second channel control list, as disclosed in paragraph [0040] of Soundararajan, allegedly corresponds to the claimed providing of content of a selected channel having a calculated preference degree that does not satisfy a predetermined reference. In particular, on pages 2 and 3 of the Office Action, the Examiner appears to take the position that Soundararajan's disclosure of changing channel control lists combined with Yamamoto and Yuen allegedly suggests changing skip lists according to a predetermined pattern of channel inputs, and tuning to a channel determined to not be on the changed skip list allegedly corresponds to the claimed providing content of the selected channel if the calculated degree for the selected channel

does not satisfy the predetermined reference and a predetermined pattern of channel change inputs is received. Applicants respectfully disagree.

In particular, claim 1 recites *inter alia* providing the content of the selected channel **in direct response to a predetermined pattern of channel change inputs received by the user input unit**. In contrast, even assuming *arguendo* that the combination of Soundararajan, Yamamoto, and Yuen suggests changing skip lists according to a predetermined pattern of channel inputs, it is noted that such a changing of skip lists according to the alleged combination requires an act of first inputting a predetermined pattern of channel change inputs (i.e., to change the skip lists of Yamamoto), the direct response of which is only the changing of the skip lists, and then separately inputting a selected channel. That is, the changing to the selected channel is not in direct response to a predetermined pattern of channel change inputs, but instead in direct response to a separate inputting of the selected channel.

Therefore, Applicants respectfully submit that Yamamoto in view of Soundararajan and Yuen does not disclose or suggest the control unit provides the content of the selected channel in direct response to a predetermined pattern of channel change inputs received by the user input unit if the calculated degree for the selected channel does not satisfy the predetermined reference, as recited *inter alia* in claim 1.

Accordingly, Applicants respectfully submit that claim 1 is patentable because the cited references, alone or in combination, do not teach or suggest all of the features of the claimed invention.

Regarding the rejection of claims 2, 4, 5, 7, and 8, it is noted that these claims depend from claim 1 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of independent claim 9, Applicants respectfully submit that claim 9 is allowable for at least similar reasons as those provided above with regard to claim 1.

Regarding the rejection of claims 10, 12, 13, 15, and 16, it is noted that these claims depend from claim 9 and are, therefore, allowable for at least the reasons set forth above

Regarding the rejection of claims 17-19, it is noted that these claims depend from claim 1 and are, therefore, allowable for at least the reasons set forth above.

Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto, Soundararajan, and Yuen as applied to claim 2 above, and further in view of Wugofski et al., US Pub No 2003/0056216. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Yamamoto, Soundararajan, and Yuen as applied to claim 2 above, and further in view of Wugofski et al. (US Pub No 2003/0056216), hereinafter “Wugofski.” Applicants respectfully traverse the rejection and request reconsideration.

Applicants submit that Wugofski in combination with Yamamoto, Soundararajan, and Yuen does not cure the deficiencies of the combination of Yamamoto, Soundararajan, and Yuen discussed above with respect to claims 1 and 9. Therefore, Applicant submits that claims 3 and 11 are patentable at least by virtue of their respective dependencies.

Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Yamamoto, Soundararajan, and Yuen as applied to claim 1 above, and further in view of Taylor (US Pub No 2005/0278648). Applicants respectfully traverse the rejection and request reconsideration.

Applicants submit that Taylor in combination with Yamamoto, Soundararajan, and Yuen does not cure the deficiencies of the combination of Yamamoto, Soundararajan, and Yuen discussed above with respect to claims 1 and 9. Therefore, Applicant submits that claims 6 and 14 are patentable at least by virtue of their respective dependencies.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Appln No.: 10/585,815

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

/Fadi N. Kiblawi/

Fadi N. Kiblawi

Registration No. 61,973

Date: January 17, 2012